

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FUNDIENT, LLC, et al.,

Plaintiffs,

v.

JOHNSON CONTROLS, INC.,

Defendant.

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1:22-CV-284-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Dustin Howell concerning Defendant Johnson Control Inc.'s (JCI) renewed motion to dismiss Plaintiffs' first amended petition for lack of personal jurisdiction, or in the alternative for failure to state a claim, (Dkt. 44). (Dkt. 70). Defendant timely filed objections to the report and recommendation, (Objs., Dkt. 71). Plaintiffs responded, (Dkt. 75), and Defendants have not filed a reply.

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Defendants timely objected to portions of the report and recommendation, the Court reviews those portions *de novo*. The Court reviews the rest of the report and recommendation for clear error. Having done so, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 70), is **ADOPTED**. For the reasons stated in the report and recommendation, **IT IS ORDERED** that JCI's renewed motion to dismiss Plaintiffs' first amended petition for lack of personal jurisdiction, or in the alternative for failure to state a claim, (Dkt. 44), is **DENIED**.

SIGNED on March 29, 2023.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE